

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
9

10 NATHANIEL JAMES DAVIS, JR.,

11 Petitioner,

12 v.

13 STATE OF WASHINGTON, et al.,

14 Defendant.

CASE NO. C12-480MJP-JPD

ORDER ADOPTING REPORT AND
RECOMMENDATION

15
16 This matter comes before the Court on Petitioner Nathaniel James Davis, Jr.'s Objections
17 to the Report and Recommendation filed by Magistrate Judge Tsuchida. (Dkt. Nos. 11, 12.)
18 Having reviewed the objections, the report and recommendation, and all related filings, the Court
19 ADOPTS the Report and Recommendation and dismisses Petitioner's petition for writ of habeas
20 corpus without prejudice.

21 Magistrate Judge Tsuchida recommends dismissal of this petition without prejudice
22 because petitioner failed to demonstrate that he had properly exhausted each of his federal
23 habeas claims in the state courts. (Dkt. No. 11 at 2.) Specifically, Magistrate Judge Tsuchida
24 found that, "while it appeared petitioner may have presented at least some of his federal habeas

1 claims to the state courts in some fashion, it was not clear that petitioner had presented *each*
2 claim to *each* appropriate state court for review.” (*Id.* (emphasis in original).) Magistrate Judge
3 Tsuchida also found that petitioner failed to demonstrate that his petition was timely. (*Id.*)

4 Petitioner’s objections do not address these concerns. Instead, they include copies of a
5 filing before Division One of the Washington Court of Appeals, along with several pages of
6 largely indecipherable discussion of mistaken identity, lack of identification, and violation of
7 various constitutional rights. (Dkt. No. 12.) After searching Petitioner’s objections, the Court
8 cannot find evidence that each claim he presents was exhausted or that his petition was timely.

9 The Court therefore DISMISSES Petitioner’s petition for writ of habeas corpus without
10 prejudice.

11 The clerk is ordered to provide copies of this order to Petitioner and to all counsel.

12 Dated this 12th day of January, 2013.

13
14
15
16
17
18
19
20
21
22
23
24



Marsha J. Pechman
United States District Judge